# **Call to Order:**

The meeting was called to order at 7:36 p.m. Present were Chairman, Paul Salafia, and members, Linn Anderson, Joan Duff, Vincent Chiozzi (arrived at 7:40), John McDonnell (arrived at 7:38 p.m.), and associate member Mark Yanowitz; also present were Paul Materazzo, Director of Planning, Lisa Schwarz, Senior Planner and Planner, Jacki Byerley.

#### Warrant Articles P-37, P-38 & P-52:

The Board opened discussion on Articles 37, 38 & 52.

Article P-37- if the town will vote to discontinue a portion of the original Cassimere Street turnaround area.

Article P-38 –if the town will vote to authorize the Board of Selectmen to acquire by eminent domain, gift, purchase or otherwise, any fee, easement or other interest in Cassimere Street which was accepted as a public way in 1954.

Article P-52 – To see if the Town will accept and name as a public way the following streets: Cassimere Street

Woodman Ridge Road

Ms. Byerley reviewed her memo to the Board dated March 8, 2010 which included the street acceptance, the original 1954 layout of Cassimere Street, and the reasoning behind the order of taking.

On a motion by Ms. Anderson seconded, by Mr. McDonnell, the Board voted to recommend approval at Town Meeting of Article P-37 the discontinuance of a portion of Cassimere St, subject to Town Counsel approval. **Vote** Unanimous (5-0)

On a motion by Ms. Anderson seconded, by Mr. McDonnell, the Board voted to recommend approval at Town Meeting of Article P-38 the Order of Taking for Cassimere Street, subject to Town Counsel approval. **Vote** Unanimous (5-0)

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to recommend to the Board of Selectmen to layout the Streets entitled Cassimere Street and Woodman Ridge Road for approval at Town Meeting, subject to Town Counsel approval. **Vote** Unanimous (5-0)

#### **Warrant Article P-32:**

The Board opened the public hearing for Warrant Article P-32 to amend Article VIII Section 10.0 Definitions. Ms. Gilmore, Building Inspector, reviewed her memo to the Board dated March 3, 2010 and noted that the changes are due to a regulatory conflict between the State Building Code and the Zoning By-law. Ms. Gilmore noted the amendment would regulate retaining walls and berms over 6' in height. Mr. Yanowitz questioned enforcement of the change and how landscapers, who build these retaining walls in town, would know that a building permit would be required.

On a motion by Ms. Anderson, seconded by Mr. Chiozzi, the Board voted to close the public hearing for Warrant Article P-32. **Vote** Unanimous (5-0)

On a motion by Ms. Anderson, seconded by Mr. Chiozzi, the Board voted to recommend approval of Article P-32 at Town Meeting. **Vote** Unanimous (5-0)

On a motion by Ms. Anderson, second by Mr. McDonnell, the Board voted to reopen the public hearing for Warrant Article VIII Section 10.0 Definitions.

## **Warrant Article P-32 (cont.):**

Mr. McDonnell questioned the definition and an interpretation of the proposed by-law. Ms. Anderson reviewed the existing by-law and noted that the change only deletes the words "retaining walls and embankment walls".

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to reclose the public hearing for Warrant Article P-32. **Vote** Unanimous (5-0)

# **Warrant Article P-51:**

The Board opened the discussion for Warrant Article P-51 to see if the town will vote to accept the "Stretch Energy Code", 780 CMR Appendix 120AA. Mr. Materazzo gave the Board an overview of the grant for consulting assistance through Green Community, which he applied for in 2009, and the five (5) requirements that must be met in order to be designated as a Green Community. Mr. Materazzo noted that Andover has already met 4 of the 5 requirements to qualify Andover to bid on the share of 10 million dollars in state funding. He also noted only 100 cities and towns have applied for consulting assistance and only a few have reached all of their requirements. Iric Rex, a member of the Green Advisory Board, gave an overview of the proposed warrant article, which included a PowerPoint presentation on Home Energy Rating System (HERS) Rating and the required rating for new construction, additions, and commercial construction. He also noted that additions to existing homes could use the Prescriptive path rather than a certified HERS rating. Mr. Rex reviewed an example of benefit-cost of a model for a new 2,672 s. f. residential home. The Board discussed the HERS rating, and Mr. McDonnell expressed his concern with the HERS rating for additions to existing homes. Mr. Yanowitz reviewed the Prescriptive Path and noted that, through this method, it is easy to achieve the required rating. Mr. Yanowitz noted that he is a member of the National Association of Home Builders and that most homeowners do not want the extra cost for energy efficiency. Some Board members expressed concern that older homes wouldn't be able to meet the regulation, ventilation concerns and the possibility of unintended health consequences. Mr. Rex noted that the older homes' existing walls don't have to comply only the additions do, but it can be achieved in older homes if the homeowner wants to take extra steps. Mr. Materazzo reviewed the benefits for the community if this article is passed. A resident, Steve Fink, spoke in favor of the article.

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to close the discussion for Warrant Article P-51 to see if the town will vote to accept the "Stretch Energy Code", 780 CMR Appendix 120AA. **Vote** Unanimous (5-0)

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to recommend approval of Article P-51 at Town Meeting. **Vote** (4-0-1) Mr. Salafia, Mr. Chiozzi, Ms. Duff, and Mr. McDonnell voting yes; and Ms. Anderson abstained from voting.

#### **Warrant Article P-40:**

The Board opened the public hearing for Warrant Article P-40 to amend Article VIII, Section 4.1.3.3.b. – Height of Municipal/Educational Buildings by deleting "forty feet" and replacing it with "forty-five feet". Joseph Piantedosi, Director of Plant & Facilities Department, reviewed a handout to the Board, dated March 9, 2010, which included the reasoning for the proposed zoning amendment.

On a motion by Ms. Anderson, seconded by Ms. Duff, the Board voted to close the public hearing for Warrant Article P-40 to amend Article VIII, Section 4.1.3.3.b. – Height of Municipal/Educational Buildings by deleting "forty feet" and replace it with "forty-five feet".

#### Warrant Article P-40 (cont.):

On a motion by Ms. Anderson, seconded by Ms. Duff, the Board voted to recommend approval of Article P-40 at Town Meeting. **Vote** Unanimous (5-0)

#### Warrant Article P-27:

The Board opened the discussion for Warrant Article P-27 Town Yard Land Acquisition and Building. Mr. Materazzo reviewed his memo to the Board, dated March 2, 2010, which included the 's previous amendment at 2007 town meeting, which was to establish a task force to study the feasibility of the reuse of the Town Yard. Mr. Piantedosi reviewed a PowerPoint Presentation of the existing town yard facilities, and the existing structural deficiencies. Mr. Piantedosi also reviewed the evaluation criteria for a new location for the town yard, the RPF and the selection process. Mr. Piantedosi gave an overview of 146 Dascomb Rd., which included the access, the proximity to downtown, and noted there are no residential abutters. He also reviewed the buildings, warehouse space, the lease potential, and the long term goal of the town. The board discussed the pros and cons of the site. Mr. Piantedosi reviewed the divisions that would be relocated to the site. Mr. Materazzo noted that the Town Yard would help defray the cost and leasing unused space in the new facility to outside tenants would create revenue for the town.

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to recommend approval of Article P-27 at town Meeting. **Vote** Unanimous (5-0)

#### Warrant Articles P-35 & P-36:

The Board opened the discussion that was continued from the February 9<sup>th</sup> meeting for two warrant articles associated with the acquisition and sale of the existing building at 3 Blanchard Street.

Article 35 would allow the Board of Selectmen to appropriate the sum of \$400,000 for the acquisition and the costs related to such acquisition of land with the buildings and demolition of the buildings at 3 Blanchard Street.

Article 36 would transfer the care, custody and control of the buildings at 3 Blanchard Street to the Board of Selectmen for the purpose of removing the buildings from the property, either by the sale or conveyance of buildings.

Mr. Materazzo reviewed the Board's previous meeting on February 9, 2010 and reviewed his memo to the Board dated March 2, 2010. Mr. Piantedosi reviewed the development plan on Blanchard Street, as it would exist without the purchase of 3 Blanchard Street. Mr. Piantedosi noted the acquisition of 3 Blanchard Street would make for a better plan, improving access, off street parking and would move the parking away from abutters. Mr. McDonnell noted that he attended a meeting at which the neighbors expressed concern with the entrance on the curve. The Board discussed the parking calculations for the four fields. Mr. Piantedosi noted that the Little League and Soccer Associations' practice of staggering the users' times has successfully avoided any parking conflicts. The Board discussed the number of parking spaces on site and other fields in town.

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to recommend approval of Article 35 & 36; the basis for this approval was that acquiring this parcel would be good planning from a safety, parking and buffering standpoint. However, the Board specifically excluded from its recommendation approval of the \$400,000 purchase price, of the property, which they felt should be left up to the Selectmen and Finance Committee. **Vote** Unanimous (5-0)

#### **Warrant Article P-50:**

The Board opened the public hearing for Warrant Article P-50 to amend Article VIII Section 7.2.2.2. Mixed Use District. Ms. Schwarz reviewed her memo to the Board, dated March 8, 2010, which addressed improvement to the existing language regarding characteristics of a lot. On a motion by Ms. Anderson seconded by Mr. Chiozzi the Board voted to recommend approval of Article P-50 at Town Meeting. **Vote** Unanimous (5-0)

## Warrant Articles P-47, P-48, P-49:

The Board opened the public hearings for Warrant Articles:

P-47 to Amend Article VIII Section 5.2.4.1.b. Sign By-law

P-48 to Amend Article VIII Section 5.2.9.1 Signs in the General Business (GB) District P-49 to Amend Article VIII Section 5.2.11. Signs in Office Park Districts (OP), Limited Service Districts (LS) and Industrial District (ID):

Ann Constantine Chair of the Design Review Board gave an overview of the changes to the Sign By-law, including the definition of an awning, which includes lettering, symbols or graphic elements. For the purpose of Section 5.2, awnings are not considered signs. Ms. Schwarz reviewed her memo to the Board, dated March 3, 2010. Mr. Chiozzi questioned the changes to section 5.2.3.4. regarding non-conforming signs and the removal of signs within 30 days of change in use or termination of activities on premises. Mr. Chiozzi asked if any current businesses would lose their grandfathering of the non-conforming sign. The Board discussed pre-existing non-conforming signs and expressed concern regarding the proposed changes.

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to recommend approval of Article P-47 Section 5.2.10.3, Section 5.2.10.3.c., Section 5.2.14.2.b, Section 5.2.2.5., Section 5.2.2.14. excluding Section 5.2.3.4. **Vote** Unanimous (5-0)

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to recommend approval of all sections of Article P-48 at Town Meeting, as submitted by the Design Review Board. **Vote** Unanimous (5-0)

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to approve all sections of Article 49 at Town meeting as submitted by the Design Review Board. **Vote** Unanimous (5-0)

On a motion By Ms. Anderson, seconded by Mr. McDonnell, the Board voted to retroactively close the public hearings for the proposed Warrant Articles: P-47 to Amend Article VIII Section 5.2.4.1.b. Sign By-law;P-48 to Amend Article VIII Section 5.2.9.1 Signs in the General Business (GB) District; P-49 to Amend Article VIII Section 5.2.11. Signs in Office Park Districts (OP), Limited Service and Industrial Districts, prior to making the previous motion to approve the amendments.

#### **Warrant Articles P-44, P-45, & P-46:**

The Board opened the public hearings that were continued from the February 9<sup>th</sup> meeting for Warrant Articles:

Article P-44 to Amend Article VIII Section 2.2 Overlay Districts by adding a new section 2.2 Andover Smart Growth Overlay District.

ArticleP-45 to Amend Article VIII section 8.0 Special District Regulations by adding a new section 8.7 Andover Smart Growth Overlay District consisting of 24.33 acres in the vicinity of North Main, Pearson, Essex and Railroad Streets.

# Warrant Articles P-44, P-45, & P-46 (cont.):

Article P-46 to Amend Article VIII Section 2.3 (District Boundaries) and make to appropriate changes to the zoning maps of Andover Mass., to depict the Andover Smart Growth Overlay District.

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to continue the public hearings for

Warrant Articles Article P-44 to Amend the Zoning by-law Section 2.2 Overlay Districts by adding a new section 2.2 Andover Smart Growth Overlay District.

Article P-45 to Amend the Zoning bylaw section 8.0 Special District Regulations by adding a new section 8.7 Andover Smart Growth Overlay District consisting of 24.33 acres in the vicinity of North Main, Pearson, Essex and Railroad Streets.

Article P-46 to Amend the Zoning By-law section 2.3 (District Boundaries) and make to appropriate changes to the zoning maps of Andover Mass., to depict the Andover Smart Growth Overlay District until March 30<sup>th</sup> at 8:05 p.m. **Vote** Unanimous (5-0)

**Adjournment:** The Board voted to adjourn the meeting at 10:12 p.m.